

EXHIBIT 12

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SYNGENTA CROP) Civil Action No.
PROTECTION, LLC)
Plaintiff) 1:15-cv-274
vs.)
WILLOWOOD, LLC,)
WILLOWOOD USA, LLC,)
WILLOWOOD AZOXYSTROBIN, LLC)
and WILLOWOOD LIMITED)
Defendants)

- ATTORNEYS' EYES ONLY -

Videotaped Deposition of Shen Shaojun
Washington, D.C.
August 23, 2016
7:00 a.m.

Reported by: Bonnie L. Russo
Job No. 2351718

1 Q. Let's start with inside Willowood
2 Limited first.

3 A. (In English) No.

4 THE INTERPRETER: "No."

5 BY MS. BALTZER:

6 Q. Is it regular practice to
7 communicate with people outside of Willowood
8 Limited through the QQ system?

9 A. It is a -- a common practice for
10 communications with manufacturers from mainland
11 China.

12 MS. BALTZER: Sorry. Could you say
13 that last part again?

14 THE INTERPRETER: With manufacturers
15 from mainland China.

16 BY MS. BALTZER:

17 Q. And you've communicated with
18 manufacturers other than Tai He in mainland
19 China via the QQ system?

20 A. (In English) Yes.

21 THE INTERPRETER: "Yes."

22 BY MS. BALTZER:

1 Q. You could print QQ messages,
2 correct?

3 A. (In English) Yes.

4 THE INTERPRETER: "Yes."

5 BY MS. BALTZER:

6 Q. You could cut and paste them into
7 e-mails, correct?

8 A. (In English) Yes.

9 THE INTERPRETER: "Yes."

10 BY MS. BALTZER:

11 Q. You could cut and paste it into
12 other documents, correct?

13 A. (In English) Yes.

14 THE INTERPRETER: "Yes."

15 BY MS. BALTZER:

16 Q. You could e-mail QQ messages to
17 yourself, right?

18 A. Well, I'm not sure what that means.

19 Q. You could cut and paste a QQ message
20 into an e-mail and then e-mail it to yourself,
21 correct?

22 A. (In English) Yes.

1 THE INTERPRETER: "Yes."

2 BY MS. BALTZER:

3 Q. And no one told you to preserve QQ
4 messages for this litigation?

5 A. Could you repeat that?

6 Q. No one told you to preserve QQ
7 messages for this litigation?

8 A. Preserve the related QQ messages?

9 Q. Preserve any QQ messages.

10 A. (In English) No.

11 THE INTERPRETER: "No."

12 BY MS. BALTZER:

13 Q. Do you communicate with anyone in
14 the U.S. via the QQ system?

15 A. (In English) No.

16 THE INTERPRETER: "No."

17 BY MS. BALTZER:

18 Q. At some point were you instructed to
19 preserve documents in connection with this
20 litigation?

21 A. (In English) No.

22 THE INTERPRETER: "No."

1 BY MS. BALTZER:

2 Q. Have you personally saved any QQ
3 chat messages in relation to this litigation?

4 A. (In English) No.

5 THE INTERPRETER: "No."

6 BY MS. BALTZER:

7 Q. Do you know if other Willowood
8 Limited employees have saved any QQ messages in
9 relation to this litigation?

10 THE INTERPRETER: May the
11 interpreter clarify something?

12 THE WITNESS: So I'm not sure when
13 you ask about the QQ communications related to
14 this litigation because in Hang Zhou we have a
15 person called Sophia. She is with the
16 registration department, and she has some
17 communications with people from Tai He. And
18 she has some communications with their
19 engineers via QQ.

20 BY MS. BALTZER:

21 Q. So Sophia communicates with Tai He
22 via QQ?

1 A. (In English) Yes.

2 THE INTERPRETER: "Yes."

3 BY MS. BALTZER:

4 Q. Do you know who those engineers are
5 at Tai He that she communicates with?

6 A. (In English) Mr. Chen.

7 THE INTERPRETER: "Mr. Chen."

8 BY MS. BALTZER:

9 Q. And what is the first name of Mr.
10 Chen?

11 A. (In English) C-H-E-N, first name.

12 THE INTERPRETER: "C-H-E-N."

13 THE WITNESS: (In English) Yes.

14 THE INTERPRETER: "First name."

15 THE WITNESS: (In English) I only
16 know the first name. I have no --

17 THE INTERPRETER: "I only know their
18 first name."

19 BY MS. BALTZER:

20 Q. Any other engineers at Tai He?

21 A. (In English) No.

22 THE INTERPRETER: "No."

1 BY MS. BALTZER:

2 Q. Do you know if Sophia was ever
3 instructed to preserve her QQ messages with the
4 engineers at Tai He?

5 A. (In English) I don't know.

6 THE INTERPRETER: "I don't know."

7 BY MS. BALTZER:

8 Q. And you said earlier you were never
9 instructed to preserve documents in connection
10 with this litigation, correct?

11 A. (In English) Yes.

12 THE INTERPRETER: "Yes."

13 The interpreter requests a break.
14 10 minutes okay?

15 MS. BALTZER: That sounds good.

16 THE VIDEOGRAPHER: We are going off
17 the record at 7:45 a.m.

18 (A short recess was taken.)

19 THE VIDEOGRAPHER: We're going back
20 on record.

21 This is the beginning of Media Unit
22 No. 2 in the deposition of Shao -- or sorry --

1 THE WITNESS: (In English) Actually
2 family name.

3 THE INTERPRETER: "Family name."

4 THE WITNESS: (In English) Yeah.
5 Wang Shujuan, S -- S-H-U-N.

6 THE INTERPRETER: "S-H-U" --

7 THE WITNESS: (In English) Yeah.

8 THE INTERPRETER: -- "N."

9 THE WITNESS: (In English) No.
10 S-H-U, Shu, J-U-A-N.

11 THE INTERPRETER: "S-H-U-J-U-A-N."

12 THE WITNESS: (In English) Yes.

13 BY MS. BALTZER:

14 Q. And what is Sophia's job title at
15 Willowood Limited?

16 A. The manager at the registration.

17 Q. Manager of registration? Was that
18 it?

19 A. (In English) Yes.

20 THE INTERPRETER: "Yes."

21 BY MS. BALTZER:

22 Q. And when you refer to registrations,

1 what do you mean?

2 A. So for our agricultural chemicals,
3 we need to register them in the U.S. with the
4 EPA to gain their approval before we can sell
5 those products. That is what we call
6 registration.

7 Q. And what are Sophia's
8 responsibilities as the manager of
9 registration?

10 A. So her main duty is to communicate
11 with the factories, to ask some materials or
12 some samples from the factories for
13 registration.

14 Q. Is her only duty to communicate with
15 factories to request samples?

16 A. Also the materials requested for
17 registration, such as the manufacturing
18 process, the information on impurities, that
19 kind of thing that are needed for registration.

20 Q. And is Sophia's primary method of
21 communication with Tai He via the QQ system?

22 A. As far as I know, it should be

1 partly by QQ and partly by telephone.

2 Q. So Sophia has had communications
3 with Tai He via the QQ system regarding Tai
4 He's process for manufacturing azoxystrobin?

5 A. (In English) Yes.

6 THE INTERPRETER: "Yes."

7 THE WITNESS: (In English) Part.

8 THE INTERPRETER: "Part" of it.

9 THE WITNESS: (In English) Yes.

10 BY MS. BALTZER:

11 Q. Part of --

12 A. Just as what I just mentioned. Part
13 of their communications were done via by QQ,
14 and part were done by telephone.

15 Q. And she has had some communications
16 with Tai He via the QQ system regarding Tai
17 He's process for manufacturing azoxystrobin,
18 correct?

19 A. (In English) Yes.

20 THE INTERPRETER: "Yes."

21 BY MS. BALTZER:

22 Q. Have you ever seen any of Sophia's

1 including Keseng, Henglong, Tianrong, Lianhua,
2 et cetera," correct?

3 A. (In English) Yes.

4 THE INTERPRETER: "Yes."

5 BY MS. BALTZER:

6 Q. And if you turn to the e-mail
7 beginning on the bottom of page WW026345, there
8 is an e-mail from Vijay Mundra to you dated May
9 20, 2014.

10 Do you see that?

11 A. (In English) Yes.

12 THE INTERPRETER: "Yes."

13 BY MS. BALTZER:

14 Q. And turning to the next page on
15 WW026346 --

16 A. (In English) Yes.

17 Q. -- Vijay says to you: "Please visit
18 them and get clear answers on the process,"
19 correct?

20 A. (In English) Yes.

21 THE INTERPRETER: "Yes."

22 BY MS. BALTZER:

1 Q. And by "them" he's referring to Tai
2 He, correct?

3 A. (In English) Yes.

4 THE INTERPRETER: "Yes."

5 BY MS. BALTZER:

6 Q. So in May 2014, Vijay was
7 instructing you to visit Tai He to figure out
8 what process they were using to manufacturer
9 azoxystrobin, correct?

10 A. (In English) Yes.

11 THE INTERPRETER: "Yes."

12 BY MS. BALTZER:

13 Q. So prior to this date, you weren't
14 sure what process they were using, correct?

15 MR. TILLER: Objection.

16 THE WITNESS: This question, I have
17 no way to answer it.

18 THE INTERPRETER: May the
19 interpreter request -- make a request? So for
20 all the other exhibits that are going to be
21 dispensed, can I get a copy, a separate copy?
22 It is easier for the interpreter to read.

1 counsel's question were not exactly the same as
2 what the interpreter interpreted.

3 Q. Okay. I'll -- I'll restate the
4 question.

5 In this e-mail, Vijay was asking you
6 to go to Tai He to figure out the process they
7 were using and then to tell him, correct?

8 THE INTERPRETER: May the
9 interpreter clarify something? By "him" you
10 mean Vijay --

11 MS. BALTZER: Vijay.

12 THE INTERPRETER: -- right?

13 THE WITNESS: (In English) Yes.

14 THE INTERPRETER: "Yes."

15 BY MS. BALTZER:

16 Q. And in your e-mail that you sent to
17 Vijay on Page WW026344, you inform him that Tai
18 He divided the different steps according to the
19 manufacturing process that Willowood submitted
20 to the EPA, correct?

21 A. (In English) Yes.

22 THE INTERPRETER: "Yes."

1 BY MS. BALTZER:

2 Q. And that was the manufacturing
3 process that Willowood had already submitted to
4 the EPA, correct?

5 A. (In English) Yes.

6 THE INTERPRETER: "Yes."

7 MS. BALTZER: I'm going to hand you
8 a document that's going to be stamped as
9 Plaintiff's Exhibit 75.

10 (Deposition Exhibit 75 was marked
11 for identification.)

12 MS. BALTZER: This is a document
13 that's consecutively Bates stamped WW026353
14 through -- through WW026359.

15 BY MS. BALTZER:

16 Q. And I'd like you to turn to WW2 --
17 WW026355, which is the third page of the
18 document.

19 A. (In English) Yes.

20 Q. This is an e-mail you sent, correct?

21 A. (In English) Yes.

22 THE INTERPRETER: "Yes."

1 BY MS. BALTZER:

2 Q. And it was sent on Wednesday July
3 24th, 2013, correct?

4 A. (In English) Yes.

5 THE INTERPRETER: "Yes."

6 BY MS. BALTZER:

7 Q. And it's addressed Ann, correct?

8 A. (In English) Yes.

9 THE INTERPRETER: "Yes."

10 BY MS. BALTZER:

11 Q. And Ann is the Ann Tillman who is
12 addressed or who appears on this CC line of the
13 e-mail, correct?

14 A. (In English) Yes.

15 THE INTERPRETER: "Yes."

16 BY MS. BALTZER:

17 Q. And Ann is affiliated with Pyxis RC,
18 correct?

19 A. (In English) Yes.

20 THE INTERPRETER: "Yes."

21 BY MS. BALTZER:

22 Q. And in this e-mail, you tell Ann

1 that Willowood confirmed with the factory that
2 they separate the steps as following, correct?

3 A. Yes.

4 Q. And by factory you're referring to
5 Tai He, correct?

6 A. (In English) Yes.

7 THE INTERPRETER: "Yes."

8 BY MS. BALTZER:

9 Q. And in this e-mail you list three
10 steps, hydrolysis, chlorination, and
11 dehydration, as being performed by factories
12 other than Tai He, correct?

13 A. (In English) Yes.

14 THE INTERPRETER: "Yes."

15 BY MS. BALTZER:

16 Q. So other than these three steps that
17 are done by other factories, all other steps of
18 the azoxystrobin manufacturing process are done
19 by Tai He, correct?

20 A. (In English) No.

21 THE INTERPRETER: "No."

22 BY MS. BALTZER:

1 Q. The only three steps in this e-mail
2 that you list as being done by factories other
3 than Tai He are hydrolysis, chlorination, and
4 dehydration, correct?

5 A. (In English) Yes.

6 THE INTERPRETER: "Yes."

7 BY MS. BALTZER:

8 Q. You don't instruct Ann Tillman in
9 this e-mail that any other steps of the
10 azoxystrobin manufacturing process are
11 performed by factories other than Tai He,
12 correct?

13 A. Yes. Not in this e-mail.

14 Q. So in this e-mail, the only steps
15 that you informed Ann Tillman of Pyxis as being
16 informed [sic] by factories other than Tai He
17 are the hydrolysis step, chlorination step and
18 dehydration step, correct?

19 MR. TILLER: Objection.

20 THE INTERPRETER: May the
21 interpreter clarify something? Did counsel say
22 "informed"?

1 MR. TILLER: Exactly. That's what
2 my objection was about. You said the wrong
3 word.

4 MS. BALTZER: Steve, I'd appreciate
5 you not making --

6 MR. TILLER: Just trying to clarify
7 -- you -- I had the same question she has. You
8 said --

9 MS. BALTZER: Steven --

10 MR. TILLER: -- the wrong word.

11 MS. BALTZER: -- you're not the
12 interpreter in the --

13 MR. TILLER: I understand that.

14 MS. BALTZER: -- deposition. And
15 under the Middle District of North Carolina --

16 MR. TILLER: That's fine.

17 MS. BALTZER: -- local rules, I just
18 want to clarify for the record what's
19 happening. And you shouldn't be making
20 speaking objections.

21 MR. TILLER: Okay.

22 MS. BALTZER: The interpreter is

1 allowed to ask questions to clarify. That's
2 not your role in this deposition.

3 THE INTERPRETER: May the
4 interpreter request counsel to repeat the
5 question.

6 MS. BALTZER: Yes.

7 BY MS. BALTZER:

8 Q. In this e-mail, the only steps that
9 you informed Ann Tillman at Pyxis as being
10 performed by factories other than Tai He were
11 the hydrolysis step, the chlorination step and
12 the dehydration step, correct?

13 A. I think counsel's question may have
14 a little bit difference than the interpreter's
15 question.

16 May the counsel repeat the question?

17 Q. Sure.

18 In this e-mail that you sent as
19 being addressed to Ann Tillman at Pyxis, you
20 informed her that the only steps being
21 performed by factories other than Tai He in
22 this e-mail were the hydrolysis step, the

1 chlorination step and the dehydration step,
2 correct?

3 A. (In English) No.

4 THE INTERPRETER: "No."

5 THE WITNESS: (In English) I only
6 want to --

7 (Through interpreter) I only wanted
8 to tell her that Tai He was doing the last
9 step.

10 (Mr. Vijay Mundra enters the room.)

11 MS. BALTZER: Counsel, we do not
12 want another witness present during Mr. Shen's
13 deposition.

14 MR. TILLER: He's the representative
15 of Willowood Limited sitting in on this
16 deposition. He has an absolute right to sit in
17 on this deposition as a representative of one
18 of the parties.

19 MS. BALTZER: He's going to be
20 having his deposition in a couple of hours.
21 And --

22 MR. TILLER: That's okay.

1 MS. BALTZER: -- we -- we do not
2 want him present.

3 MR. TILLER: But he has a right to
4 be present.

5 MS. BALTZER: We can call the Court
6 on this --

7 MR. TILLER: Okay.

8 MS. BALTZER: -- if we have to. If
9 he's -- if he's a witness, he doesn't have a
10 right to be in here right now.

11 MR. TILLER: He has a right to be in
12 here. He's the rep -- he's the corporate
13 representative.

14 MS. BALTZER: If he's a witness
15 that's having his deposition taken in a couple
16 of hour, he does not. And we can call the
17 Court --

18 MR. TILLER: Where's the rules on
19 that?

20 MS. BALTZER: -- if that's what
21 we're going to do.

22 MR. TILLER: Where is the rule on

1 that?

2 MS. BALTZER: We can call the Court
3 and ask.

4 MR. TILLER: Where is the rule on
5 that? Tell me what the rule is.

6 MS. BALTZER: We can call the Court.

7 MR. TILLER: But I'd like a basis --
8 if -- if there is a rule -- if there's a
9 specific rule, I will -- I'd be happy to read
10 it and consider it.

11 But as you know, corporate
12 representatives get to sit in or allow -- each
13 party has a right to have one representative
14 sit in on a deposition. I'm not aware of any
15 rule that says, if that person is -- is a
16 witness, that they don't have a right to. If
17 there is, I'm happy to look at it.

18 MS. BALTZER: Let's take a break.

19 THE VIDEOGRAPHER: We are going off
20 the record at 9:03 a.m.

21 (A short recess was taken.)

22 (Mr. Vijay Mundra not present.)

1 THE VIDEOGRAPHER: We are going back
2 on record at 9:30 a.m.

3 This is the beginning of Media Unit
4 No. 3 in the deposition of Shen Shaojun.

5 BY MS. BALTZER:

6 Q. Mr. Shen, we were looking earlier at
7 the document Bates stamped consecutively
8 WW026353 through WW026359.

9 A. (In English) Yes.

10 THE INTERPRETER: "Yes."

11 BY MS. BALTZER:

12 Q. And that was Plaintiff's Exhibit No.
13 75, correct?

14 A. (In English) Yes.

15 THE INTERPRETER: "Yes."

16 BY MS. BALTZER:

17 Q. I'm going to put before you a
18 document that court reporter is -- oh, which
19 has already been marked by plaintiffs as
20 Exhibit No. 63.

21 (Mr. Vijay Mundra enters the room.)

22 MR. SANTHANAM: I note for the